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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/12/2001

David B. Dwyer

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04/18/2006

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2628

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/833,944

Applicant(s)

DWYER ET AL.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed 3/7/2006 have been fully considered but they are not persuasive.

Applicant on page 6 of the remarks does not respond to the Examiner's question under the second paragraph of 35 U.S.C. 112, the purpose of the question is to understand the relationship between the first color, second color and the background color. Applicant does not specify the reference point(s). The ambiguity starts from here, what if the background color is opaque? Then what happens to the second color that is claimed less than the background color? Or a person skill in the may see the relationship as follows: let's draw a horizontal line and call it the background color (opaque), above the line may be considered as the first color (i.e. claimed greater than the background color) means more light. Below the line may be considered as the second color (i.e. claimed less than the background color) means darker than the background color. In respect to the above scenario, there is just a foreground (first color) and the background (background color), and the second color is missing, that is why Examiner questioned: what is the unit of 90? The same question applies to claims 20-22.

Applicant on page 7 at third paragraph argues the reference Davies fails to disclose a processor that is configured to control the display to present the first visual representation superimposed over the second visual representation in a first common region of the first visual representation and second visual representation. The processor configured to receive data representative of a predefined event and, upon receipt thereof, to superimpose the second visual representation over the first visual representation in the first common region.

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Examiner's reply: in respect to specification on page 13 at paragraph [0030], Examiner's interpretation: if the common region (between the first and second visual representation) considers as all region in the first visual representation, then the first visual representation becomes opaque, since the second visual representation is considered as less light as the background color (i.e. an opaque). If the common region is considered as a partial region in the first visual representation, then the claim should be contained the term "partial" or other similar terms. Also the claimed invention claims that "... upon receipt thereof, to superimpose said second visual ..... over said first visual ...". Examiner's suggestion: on page 10 at paragraph 0025 of the specification discloses that "the default mode and altered mode ". Examiner's question: does the statement in the claim 10 lines 11-14 mean the alter mode? If it does, does it happen automatically or manually?

Examiner's note: Applicant may overcome the reference by considering the contents of Examiner's replies or schedule an interview; otherwise the claims' limitations cover what the reference Davies disclosed for displaying a topology having topological features on a display.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant does not specify the reference points, e.g. the first color difference is greater than about 90, and what is the unit of 90?

The purpose of the question is to understand the relationship between the first color, second color and the background color. Applicant does not specify the reference point(s). The ambiguity starts from here, what if the background color is opaque? Then what happens to the second color that is claimed less than the background color? Or a person skill in the may see the relationship as follows: let's draw a horizontal line and call it the background color (opaque), above the line may be considered as the first color (i.e. claimed greater than the background color) means more light. Below the line may be considered as the second color (i.e. claimed less than the background color) means darker than the background color. In respect to the above scenario, there is just a foreground (first color) and the background (background color), and the second color is missing, that is why Examiner questioned: what is the unit of 90? The same question applies to claims 20-22.

1. Claim 19. "The apparatus of Claim 18, wherein said first color difference is greater than about ninety (90).
2. Claim 20. "The apparatus of Claim 18, wherein said first color difference is greater than about one hundred (100)".
3. Claim 21. "The apparatus of Claim 18, wherein said second color difference is less than about ninety (90)",
4. Claim 22. "The apparatus of Claim 18, wherein said second color difference is less than about one hundred (100)",

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-18 and 23-27 rejected under 35 U.S.C. 102(e) as being anticipated by Davies  
US. 6,262,741 B1.

5. Claim 10.

“An apparatus for displaying a plurality of data categories, comprising” Davies in fig. 4 illustrates an apparatus with a display number 112. The following step is “a display that is configured to produce a first visual representation of a first data category of the plurality of data categories and a second visual representation of a second data category of said plurality of data categories”, Davies at col. 3, lines 50-54 teaches the method includes dividing the topological region into tiles. The tiles are layered on different layers with a top layer having a single tile and lower layers of tiles have succeeding greater numbers of tiles. The step of “ a processor that is configured to control said display to present said first visual representation of said first data category superimposed over said second visual representation of said second data category whereby the first visual representation masks said second visual representation in a first common region of said first visual representation and said second visual representation, said processor further configured to receive data representative of a predefined event and, upon receipt thereof, to superimpose said second visual representation of said second data category over said first visual representation of said first data category

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whereby the second visual representation masks said first visual representation in said first common region.” Davies at col. 8, lines 28-37 teaches each layer has the same overall dimensions and has the same outer boundary. The first level contains only a single tile. The next lower level contains four rectangular tiles (2.times.2) and has a little more detail and the next lower level contains sixteen rectangular tiles (4.times.4) and has still greater detail. Even lower levels have exponentially more tiles (e.g., 8.times.8 and 16.times.16) with each layer containing still greater detail. Davies at col. 10, lines 5-7 teaches the boundaries of the states are depicted in FIG. 6c, it should be understood that these objects would not appear (Examiner’s interpretation: mask) if only level 20 were being displayed. Davies in fig. 10 step 614 receives objects that are representative data of a predefined event, e.g. the four tiles being displayed may be based upon the current location of the GIS system based upon a signal received from a GPS satellite. Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

6. Claims 11-12.

See rejection of claim 10 that covers more than two layers.

7. Claim 13.

“The apparatus of Claim 10, wherein said plurality of data categories are vehicle data categories”, Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which

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an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

8. Claim 14.

“The apparatus of Claim 10, wherein said plurality of data categories are aircraft data categories”, Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

9. Claim 15.

“The apparatus of Claim 10, wherein said display is a Multi-Function Display (MFD)”, Davies at cols. 14-15 lines 65-67 and 1-3 respectively teaches the system also provides database management allowing data entry, data editing retrieval functions include the ability to select certain attributes and records based on their values. Objects are highlighted which is a way of indicating to the user that a feature is the successful result of a query.

10. Claim 16.

“The apparatus of Claim 10, wherein said first data category is sensor data”, the step is inherent because the data received from GPS considered as a sensor data.

11. Claim 17.



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“The apparatus of Claim 10, wherein said second data category is navigation data”, the step is inherent because the data received from GPS is considered as navigation data. Applicant requires being more explicit about the second data considered as navigation data.

12. Claim 18.

The rejection is similar to the rejection of claim 10. Davies at col. 8, lines 14-20 teaches examples of attributes include a feature identifier, an ordered list of coordinates, a visibility level, a line weight and a color. As will be explained in detail below, the complete geometric objects differ significantly from the prior art because the complete geometric objects are independent of other objects.

13. Claim 23.

“The apparatus of Claim 18, wherein said plurality of data categories are vehicle data categories”. See rejection of the claim 13 that applies to this claim.

14. Claim 24.

“The apparatus of Claim 18, wherein said plurality of data categories are aircraft data categories”, See rejection of claim 14.

15. Claim 25.

“The apparatus of Claim 18, wherein said display is a Multi-Function Display (MFD)”. See rejection of claim 15.

16. Claim 26.

“The apparatus of Claim 18, wherein said first data category is sensor data”, See also rejection of claim 16.

17. Claim 27.

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“The apparatus of Claim 18, wherein said second data category is navigation data”, See rejection of claim 17.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

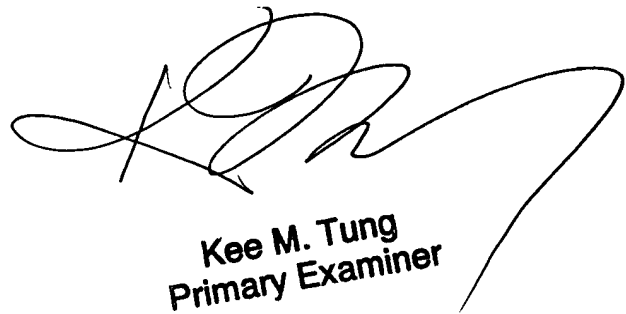
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2628

Javid Amini



**Kee M. Tung**  
**Primary Examiner**